

OGC 72-0751

2 June 1972

MEMORANDUM FOR: Directorate Information Processing  
Coordinators

SUBJECT: U. S. v. IBM (69 Civ. 200 S.D. N.Y.)

REFERENCE: Memo fr ExDir-Compt to DDI, DDP,  
DD/S&T, DD/S, IG, D/ONE, & D/PPB,  
dated 4 April 1972, Same Subject

OGC Has  
Reviewed

1. Submitted for your information is a copy of Pretrial Order No. 1 issued in regard to the subject case, together with an amendment thereto. Also forwarded is an excerpt from a Department of Justice message sent to numerous Government departments, including this Agency.

2. You will note that originally the Order required that all documents or other records related in any way to EDP product or service be preserved from destruction pending further order of the Court. As amended, however, the Order requires only normal retention procedures for certain categories of records. In this connection the Justice message reads in part as follows:

"...the Court also 'clarified' its prior order to require all Government agencies to retain all after-acquired as well as existing records which relate in any way to the electronic data processing, to any electronic data processing product or service, or to the Government's monopoly case against IBM. The Court also advised that all Government agencies should interpret 'records' to include correspondence files."

3. To the extent that compliance with the Order is found to constitute an unacceptable burden or expense, you are invited to lodge a written protest with this office setting forth particulars. In such an event, we will explore the possibility of joining with other Government departments in an effort to move Justice to seek a further modification of Pretrial Order No. 1.

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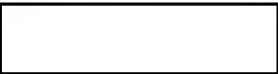
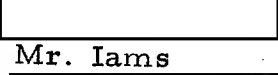




Assistant General Counsel

Attachment

OGC:RJB:bg

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